

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**ROCHELLE FLYNN,**

**Plaintiff**

**v.**

**SOUTH TEXAS CENTER FOR  
PEDIATRIC CARE,**

**Defendant**

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**Civil Action No. 5:21-cv-01177**

**NOTICE OF REMOVAL**

Defendant, South Texas Center for Pediatric Care, files this Notice of Removal to the United States District Court for the Western District of Texas, San Antonio Division, pursuant to 28 U.S.C. §§ 1331 and 1441, based on the fact that, among other things, Plaintiff has claimed that Defendant is liable to her for a violation of federal law -- the Family and Medical Leave Act.

**PRELIMINARY STATEMENT**

This application seeks the removal of Case No. 2018-CI-24030, styled *Rochelle Flynn Plaintiff v. South Texas Center for Pediatric Care*, pending in the District Court for the 224<sup>th</sup> Judicial District, Bexar County, Texas. A copy of the Plaintiff's Original Petition ("Petition") together with a copy of all process, pleadings and orders served upon Defendants is attached hereto as Exhibit 1. Removal is sought to the San Antonio Division of the United States District Court for the Western District of Texas.

**GROUND FOR REMOVAL**

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331.

2. The first date on which Defendant received a copy of the Original Petition was

when the lawsuit was served on Defendant on November 2, 2021. Exhibit 1.

3 Removal to the United States District Court for the Western District of Texas, San Antonio Division, is proper pursuant to 28 U.S.C. § 124(b)(6) because Bexar County is located in the Western District, San Antonio Division.

4. Plaintiff's Original Petition includes a claim that she was unlawfully terminated for seeking to exercise her rights under the Family and Medical Leave Act, 29 U.S.C. §2601 *et seq.* Exhibit 1.

5. The action filed by Plaintiff, Rochelle Flynn, is thus one containing federal claims and jurisdiction is, therefore, proper in this federal court.

#### **REMOVAL PROCEDURE**

6. The Notice is filed timely under 28 U.S.C. § 1446 (b).

7. Pursuant to 28 U.S.C. § 1446 (b), a copy of the Original Petition together with a copy of all process, pleadings and orders served upon Defendant and contained in the file at the District Court are attached hereto as Exhibit 1.

8. Defendant is serving written notice of the removal of this action upon Plaintiff and will file such notice with the District Clerk of Bexar County, Texas as required by 28 U.S.C. § 1446 (b). A copy of the Notice of Filing of Removal being filed is attached hereto as Exhibit 2.

Wherefore, Defendant prays that this action be removed to this Court, that this Court accept jurisdiction of this action, and that henceforth, this action be placed on the docket of this Court for further proceedings as though jurisdiction had been instituted originally in this Court.

Respectfully submitted,

/s/ Robert A. Rapp

**Robert A. Rapp**

State Bar No. 16550850

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*Attorney for Defendant, South Texas Center  
For Pediatric Care*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of November, 2021, I electronically filed the above and foregoing Notice of Removal with the Clerk of Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

**/s/ Robert A. Rapp**  
**Robert A. Rapp**